

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DONALD H. GARDNER, p/k/a
BLACKA NICE,

Plaintiff,

vs.

Cause No. 07-cv-6535-RJS

RAMON LUIS AYALA-RODRIGUEZ,
p/k/a DADDY YANKEE, EL CARTEL
RECORDS, INC., LOS CANGRIS
PUBLISHING, MACHETE MUSIC,
UNIVERSAL MUSIC DISTRIBUTION
CORP., UNIVERSAL MUSIC GROUP,
VIDAL INVESTMENT, INC., and
VI MUSIC, INC.

Defendants.

**PLAINTIFF DONALD GARDNER'S FIRST SET OF REQUESTS FOR PRODUCTION
OF DOCUMENTS DIRECTED TO RAMON LUIS AYALA-RODRIGUEZ, P/K/A
"DADDY YANKEE"**

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, Plaintiff Donald Gardner requests that Defendant Ramon Luis Ayala-Rodriguez p/k/a "Daddy Yankee" ("Defendant") produce for inspection, copying, testing and/or sampling the following categories of documents and things, at the offices of KAYIRA, LLP, 1001 Craig Road, Suite 305, St. Louis, Missouri 63146, on August 28, 2008, or at such other place and time as may be agreed upon by counsel. If documents and/or tangible things sought by these requests are obtained after Defendant has made its production, Defendant is hereby requested to supplement its production.

Defendant's production should include all responsive documents and/or things within its possession, custody or control, including, but not limited to, documents and/or things within the possession, custody or control of any business affiliate, predecessor in interest, consultant, accountant, attorney, or other agent of Defendant.

In accordance with the Federal Rules of Civil Procedure, the definitions and instructions set forth in the concurrently served Plaintiff Donald Gardner's First Set of Interrogatories Directed to Raymon Luis Ayala-Rodriguez p/k/a "Daddy Yankee" shall apply to these requests.

REQUESTS FOR DOCUMENTS AND/OR TANGIBLE THINGS

1. Produce all documents, data compilations and/or things identified or requested to be identified in response to the concurrently served First Set of Interrogatories Directed to Raymon Luis Ayala-Rodriguez p/k/a "Daddy Yankee".

RESPONSE:

2. Produce all documents which relate to any ownership interest in the Song (including the sound recording and the underlying musical composition of the Song) including, but not limited to, correspondence, agreements, assignments, licenses, contracts, financial statements, accounts receivables, advertisements and press releases.

RESPONSE:

3. Produce all documents which relate to any ownership interest in the Albums including, but not limited to, correspondence, agreements, assignments, licenses, contracts, financial statements, accounts receivables, advertisements and press releases.

RESPONSE:

4. Produce all documents and things relating to the creation of the Song and/or the Albums, including all recordings related to the Song.

RESPONSE:

5. Produce all documents and things relating to every filing in the Copyright Office of the United States made by Defendant or by someone on its behalf that concerns, in whole or in part, the Song.

RESPONSE:

6. Produce all documents Defendant has ever sent to or received from any of the following entities or their representatives (other than the summons and complaint in this case) concerning the ownership of any rights in the Song:

(a) Donald Gardner;

(b) any other person or entity claiming ownership of any portion of the Song, identifying such person or entity by name and address; and

(c) any other person claiming to have written the Song, identifying such person by name and address.

RESPONSE:

7. Produce all documents and things which relate to any promotion, marketing or advertising ("Promotion") of the Song and/or the Albums.

RESPONSE:

8. Produce all documents and things which relate to any form of payment from any person, corporation or other form of business entity by virtue of any form of exploitation of the Song or Albums (for example, but not by way of limitation, domestic distribution, distribution in foreign countries, distribution in video formats, soundtrack recordings, radio play, performance of the Song in advertisements, television shows, commercials, movies and videos, the Song embodied in a ring tone, etc.).

RESPONSE:

9. Produce all documents which relate to all royalties and other payments of any type or kind paid out by Defendant to or for any person or entity claiming any creation, performance, production, contractual or ownership rights to the Song.

RESPONSE:

10. Produce all documents which relate to any individual's receipt of royalties, all written royalty statements or other payment statements provided to or for any person or entity claiming any creation, performance, production, contractual or ownership rights to the Song.

RESPONSE:

11. Produce all tape recordings, computerized or other electronic recordings, videotapes, films or other electronic or mechanical means of recordation which contain factual information related to the creation of the Song.

RESPONSE:

12. Produce all documents which relate to any revenues or credit you have received from 2003 to the present from your involvement with the production of any song, album, compilation or video.


RESPONSE:

13. Produce all documents which relate to every assignment, producer agreement, side-artist or work-for-hire agreement to which you have been a party or that any artist that you have worked with has been a party.

RESPONSE:

Respectfully submitted,

Burrell & Regenstreich, LLC

By: 
Bruce Regenstreich, Esq.
Bar No.: 2046
67 Wall Street - 22nd Floor
New York, New York 10005
Telephone: 212-567-8590
Fax: 212-567-2630

AND

KAYIRA, LLP

By: _____
Eric Kayira
Bar No.:
1001 Craig Road, Suite 330
Saint Louis, Missouri 63146
Telephone: 314-872-2141
Fax: 314-872-2140

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was served via electronic mail and first class United States mail, postage prepaid, this 28th day of July, 2008 to:

Jonathan S. Pollack
Attorney at Law
240 Madison Avenue
8th Floor
New York, NY 10016
JSPLegal2000@aol.com

Attorney for Defendants: Ramon Ayala-Rodriguez, El Cartel Records, Inc., and Los Cangris Publishing

A handwritten signature in black ink, appearing to read "Bruce Regenstein", is written over a horizontal line.

Bruce Regenstein
Attorney for Plaintiff